

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN JACOB O'BRIEN,	:	CIVIL ACTION NO. 1:09-CV-2517
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN CAMPBELL, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 14th day of October, 2010, upon consideration of the order of court (Doc. 36) dated August 13, 2010, ordering plaintiff to file a statement showing cause why the court should not dismiss the above-captioned action for failure to prosecute,¹ and it appearing that O'Brien has not complied with the court's directive,² and the court noting that it may dismiss any claim *sua sponte* as a result of O'Brien's failure to prosecute and/or failure to comply with court orders, see L.R. 83.3.1 (allowing court to dismiss a claim for failure to prosecute); see also FED. R. CIV. P. 41(b); Briscoe v. Klaus, 538 F.3d 252, 258 (3d Cir. 2008); Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984), and the court concluding that dismissal of the complaint is therefore appropriate, it is hereby ordered that:

¹ In its order dated August 13, 2010 (Doc. 36), the court granted plaintiff O'Brien an extension of time within which to oppose the motion to dismiss (Doc. 18), which was filed by defendants William Campbell, Thomas Bauman, Lieutenant Hampton, and Zane Kishbaugh (collectively, "defendants"), and the court directed plaintiff to file a response showing cause why the court should not enter an order dismissing the action as a sanction for failure to prosecute.

² O'Brien has not opposed the motion to dismiss (Doc. 18), nor has he filed a response showing cause why the court should not dismiss for failure to prosecute.

1. All claims filed by plaintiff O'Brien against defendants are DISMISSED without prejudice.
2. The motion to dismiss (Doc. 18) is DENIED as MOOT.
3. The Clerk of Court is directed to CLOSE the above-captioned case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge